

Docket No.: 11987-00043-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Klaus Benke

Application No.: 10/580,711

Confirmation No.: 3892

Filed: May 18, 2007

Art Unit: 1616

For: PROCESS FOR THE PREPARATION OF A
SOLID, ORALLY ADMINISTRABLE
PHARAMACEUTICAL COMPOSITION

Examiner: David Browe

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed after the mailing date of an Office Action but before the mailing of a final Office Action or Notice of Allowance, and with the submission of the fee set forth in § 1.17(p). Applicants hereby request that the Information Disclosure Statement be considered pursuant to 37 CFR § 1.97 (c) (2).

The document from Pfizer entitled "Gebrauchsinformation Zyvoxid 2 mg/ml Infusionsloesung" is in the German language. This document is prescribing and use information for the antibiotic Zyvoxid® linezolid provided as an infusion solution of 2 mg/ml. Relevance of this document is found in section 4.2.2 of the document submitted as "CC" in the IDS dated July

26, 2010, entitled "Reply to the Opposition filed June 15, 2009." Also submitted herewith is a copy in the English language of the prescribing information for Zyvoxid® in Israel dated April 20, 2006, which is similar to the information provided in the German-language document.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 11987-00043-US.

Dated: November 1, 2010

Respectfully submitted,

#937394

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